

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FCC Mail Room

In the Matter of

MARITIME COMMUNICATIONS/LAND
MOBILE, LLC

Participant in Auction No. 61 and Licensee of Various
Authorizations in the Wireless Radio Services
Applicant for Modification of Various Authorizations
in the Wireless Radio Services;

Applicant with ENCANA OIL AND GAS (USA), INC.;
DUQUESNE LIGHT COMPANY; DCP
MIDSTREAM, LP; JACKSON COUNTY RURAL
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET
SOUND ENERGY, INC.; ENBRIDGE ENERGY
COMPANY, INC.; INTERSTATE POWER AND
LIGHT COMPANY; WISCONSIN POWER AND
LIGHT COMPANY; DIXIE ELECTRIC
MEMBERSHIP CORPORATION, INC.; ATLAS
PIPELINE—MID CONTINENT, LLC; DENTON
COUNTY ELECTRIC COOPERATIVE, INC., DBA
COSERV ELECTRIC; AND SOUTHERN
CALIFORNIA REGIONAL RAIL AUTHORITY

For Commission Consent to the Assignment of Various
Authorizations in the Wireless Radio Services

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

Application File Nos.
0004030479, 0004144435,
0004193028, 0004193328,
0004354053, 0004309872,
0004310060, 0004314903,
0004315013, 0004430505,
0004417199, 0004419431,
0004422320, 0004422329,
0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

To: Marlene H. Dortch, Secretary

Attn: Chief Administrative Law Judge Richard L. Sippel

MARITIME'S BENCH BRIEF PER ORDER, 12M-26

Maritime Communications/Land Mobile, LLC ("Maritime") respectfully submits this
bench brief in accordance with the Presiding Judge's *Order* (FCC 12M-26; rel. May 23, 2012).

ORIGINAL

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List ABCDE

I. INTRODUCTION

1. The Presiding Judge proposes to shift the burden of proceeding and the burden of proof on the construction/discontinuance issue from the Enforcement Bureau to Maritime. This would be unlawful, improper, and imprudent. First, such shifting of the burdens is contrary to the Commission's designation order and a violation of applicable statutory requirements. Second, the assumption that Maritime has a uniquely exclusive access to relevant information is erroneous and misplaced. The discovery process and other procedural mechanisms are adequate to provide the Bureau with the necessary information.

II. SECTION 312 OF THE COMMUNICATIONS ACT PLACES THE BURDEN OF PROOF ON THE COMMISSION AND THIS MAY NOT BE ALTERED BY THE PRESIDING JUDGE.

2. At Paragraph 62 of the *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing* (FCC 11-64), 26 FCC Rcd 6520, 6547 (2011) (hereinafter "*HDO*"), the Commission designated ten separate issues, enumerated (a) through (j). One of these, Issue (g), is framed as follows: "To determine whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission's rules." *HDO*, 26 FCC Rcd at 6547 ¶62(g). The Commission ordered that, as to all issues except Issue (j), "the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Enforcement Bureau." *HDO* at ¶70. This includes Issue (g). Maritime has the burden only with respect to Issue (j), which is to determine whether the captioned assignment of license applications should be granted. This allocation of burdens was not arbitrary nor, more importantly, was it discretionary. It was mandatory and dictated by statute.

3. The statutory scheme for assigning burdens in license revocation and related enforcement sanctions is markedly different than for hearings on applications for licenses. Section 312(d) of the Communications Act of 1934, as amended, provides that, in license *revocation* hearings:

both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

47 U.S.C. § 312(d) (2011). By contrast, Section 309(e) of the Act provides that, in hearings on *applications* for licenses:

The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

47 U.S.C. § 309(e).

4. The Communications Act thus places the burden on the Commission in license revocation and termination cases, and on the applicant in license application cases.¹ Moreover, while Section 309(e) gives the Commission discretion to assign burdens differently in *application* cases under certain circumstances (*i.e.*, in the case of petitions to deny or added issues), Section 312(d) is mandatory as to the assignment of burdens in *revocation* cases and allows for no exceptions. In designating this case for hearing the Commission indicated that it

¹ Issue (g), although not a basic qualifications issue, seeks to terminate the incumbent licenses pursuant to Section 1.955(a) of the Rules and must therefore be deemed a “revocation” within the meaning of Section 312 of the Act. Even if that were not so, the termination would qualify as a “modification” of the Maritime’s license authority, and the statutory burdens would remain the same. Section 316(b) of the Communications Act provides that in any hearing on a proposed license modification, “both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; except that, with respect to ... whether [a] proposed action would modify the license or permit ..., such burdens shall be as determined by the Commission.” 47 U.S.C. § 316(b). Under Section 316(b), therefore, the burden may be shifted to the licensee only as to whether a particular action constitutes a modification, but not on whether the licenses should be modified.

was keenly aware of this statutory distinction. The Commission expressly cited Section 312(d) in assigning the burdens on Issues (a) through (i) to the Bureau, and Section 309(e) in assigning the burdens on Issue (j) to Maritime.

5. In light of this mandatory statutory scheme, the cases referenced by the Presiding Judge in the May 23, 2012, *Order* do not alter this allocation of burdens. Those cases did not involve license revocations or terminations with burdens prescribed by Section 312(d), but rather *applications* for licenses governed by Section 309(e). *TeleStar, Inc.*, 2 FCC Rcd 7352 (1987) held that, in accordance with Section 309(e), the burden of proof was properly on the applicant for new microwave licenses to demonstrate that grant of the applications was in the public interest. Similarly, in *Rem Malloy Broadcasting*, 5 FCC Rcd 3988 (Rev. Bd. 1990), the Review Board held that an ALJ had not abused his discretion by assigning the burden of proof for added issues on one of the applicants in a comparative hearing. This ruling is entirely consistent with the statutory requirements, as Section 309(e) expressly provides for discretion in assigning burdens of proof when issues are added in a hearing proceeding. Neither of these cases involved license revocation or termination proceedings, and neither they nor any precedent justify reassigning burdens in a manner contrary to the unequivocal requirements of Section 312(d).²

² The same holds true for the unreported ALJ decision cited in the *Order*, *Twin Rivers Communications* (FCC 88M-1941; rel. June 23, 1988), as well as the cases cited therein: *Cuban-American, Ltd.*, 2 FCC Rcd 3264 (Rev. Bd. 1987); *Lee Optical and Associated Cos.*, 2 FCC Rcd 5480 (Rev. Bd. 1987). These were all comparative application cases involving the assignment of burdens as to added issues in accordance with Section 309(e).

III. THE BUREAU AND THE PRESIDING JUDGE OVERSTATE THE DEGREE OF MARITIME'S UNIQUE ACCESS TO INFORMATION RELEVANT TO ISSUE (g).

6. Issue (g) is: "To determine whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission's rules." *HDO*, 26 FCC Rcd at 6547 ¶62(g). The operative question is whether one or more of Maritime's incumbent or "site-based" AMTS licenses "terminated [or] canceled automatically for lack of construction or permanent discontinuance of operation." *HDO*, 26 FCC Rcd at 6546 ¶59. In evaluating this, one must first examine the cited regulations. Section 1.955(a) of the Commission's Rules provides, in pertinent part:

- (a) Authorizations in general remain valid until terminated in accordance with this section, except that the Commission may revoke an authorization pursuant to section 312 of the Communications Act of 1934, as amended. See 47 U.S.C. 312.
...
- (2) *Failure to meet construction or coverage requirements.* Authorizations automatically terminate (in whole or in part as set forth in the service rules), without specific Commission action, if the licensee fails to meet applicable construction or coverage requirements. See §1.946(c).
- (3) *Service discontinued.* Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section. A licensee who discontinues operations shall notify the Commission of the discontinuance of operations by submitting FCC Form 601 or 605 requesting license cancellation.³

Section 80.49(a) of the Commission's Rules provides, in pertinent part: "(3) ... For site-based AMTS coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, if the station or frequencies authorized have not been placed in

³ 47 C.F.R. § 1.955(a) (2011).

operation within two years from the date of the grant, the authorization becomes invalid and must be returned to the Commission for cancellation.”⁴

7. It is absurd to suggest that a licensee, contrary to the mandatory requirements of Section 312(d), may be saddled with the onus of proving that its license should not be terminated. In this particular context, the impropriety is even more severe. Presumably the Commission had at least some *prima facie* information to warrant a charge having the severe potential consequence of license termination, and the Bureau would therefore be privy to this. But the *HDO* does not recite any specifics as to which of Maritime’s incumbent stations are suspect under Issue (g), and whether as to any particular station the issue is alleged failure to initially construct within the prescribed period or subsequent permanent discontinuance of service. In the absence of a bill of particulars or some similar information, therefore, Maritime is left to guess at the specific charges against it.

8. This is significant because the Commission has previously and repeatedly adjudicated the question and made definitive rulings in favor of Maritime and its predecessors. Just a few examples will be recited here. In *Waterway Communications System, Inc.*, 2 FCC Rcd 7317 (1987), the Commission had before it an application for initial renewal of various licenses then held by Waterway Communications System, Inc. (“Watercom”). Watercom had been granted a system license in 1982, affording it the full five year initial license term to implement the system. These included the licenses now held by Maritime with call signs bearing the WHG prefix, items 11 through 64 listed in Attachment A to the *HDO* (hereinafter, the “Watercom

⁴ 47 C.F.R. § 80.49(a) (2011). The rule previously specified an eight month initial construction period, but it was amended to the current two year period in 2000. Maritime Communications, PR Docket No. 92-257, *Fourth Report and Order and Third Further Notice of Proposed Rule Making*, 15 FCC Rcd 22585, 22596 ¶17 (2000).

licenses"). In renewing the licenses over objections from third parties, the Commission expressly addressed the question of timely construction, holding:

Watercom was required to meet a schedule of construction, regularly kept us apprised of the status of construction and put the system into operation within the time we had allowed. *So there can be no question of spectrum hoarding or other dereliction in its inauguration of service.*

2 FCC Rcd at 7319 ¶ 16 (emphasis added). The Watercom licenses were thereafter repeatedly renewed by the Commission in 1992 (File Nos. R868847 through R868901), 1997 (File Nos. R998712 through R998766), and 2003 (File Nos. 0001082495 through 0001082548). The most recent renewals were granted over opposition from Havens. *Order* (DA 03-2065), 18 FCC Rcd 12309 (2003); *Order on Reconsideration* (DA 05-2492), 20 FCC Rcd 14813 (2005); *Memorandum Opinion and Order* (FCC 10-9), 25 FCC Rcd 554 (2010).⁵

9. There have been similar rulings as to virtually all of the other incumbent licenses. For example, in *Mobex Network Services, LLC*, (FCC 10-39), 25 FCC Rcd 3390 (2010), the Commission denied applications for review filed by Havens and or entities controlled by him, affirmed prior decisions of the Wireless Telecommunications Bureau granting applications to renew the licenses for AMTS Stations KAE889, WHV733, WHV740, and WHV843, as well as the 2005 assignment of all of the incumbent licenses to Maritime. In so ruling, the Wireless Bureau and the Commission considered and rejected as not probative allegations and information

⁵ The Commission declined to take up the construction issue, 25 FCC Rcd at 554 n.24, but this was not the main point of the protest. Havens argued that the Commission erred when, in 1984, it granted Watercom a second AMTS frequency block. This contention was rejected, but it is now also moot. On May 29, 2012, Maritime filed applications to delete one channel block from each of the Watercom licenses. See File Nos. 0005224246, 0005224253, 0005224257, 0005224262, 0005224267, 0005224278, 0005224282, 0005224287, 0005224291, 0005224300, 0005224303, 0005224309, 0005224311, 0005224316, 0005224324, 0005224330, 0005224336, 0005224339, 0005224371, 0005224560, 0005224564, 0005224566, 0005224952, 0005224953, 0005224957, 0005224959, 0005224979, 0005224982, 0005224985, 0005224987, 0005224988, 0005224993, 0005224995, 0005224996, 0005224999, 0005225004, 0005225008, 0005225320, 0005225324, 0005225327, 0005225329, 0005225330, 0005225332, 0005225333, 0005225334, 0005225336, 0005225337, 0005225339, 0005225341, 0005225342, 0005225344, 0005225346, 0005225348, & 0005225351.

presenting by Havens purporting to demonstrate that these licenses had automatically cancelled for non-construction and/or permanent discontinuance.⁶

10. Maritime did not even acquire the incumbent licenses until December 2005, several years and, in many cases, nearly two decades after the applicable construction deadlines. As discussed above, the earliest construction deadline, and the one applicable to majority of the stations was in 1987, eighteen years before Maritime acquired the authorizations. Most of the other construction deadlines were in 2001, and all were significantly prior to Maritime's existence and acquisition of the licenses. The incumbent licenses were initially held by Watercom or Regionet Wireless License, LLC (or its predecessor). Mobex Communications, Inc., gained control of the licenses in 2000, and in 2005 the licenses were assigned from Mobex Network Services, LLC to Maritime. In addition to multiple transfers of control and or assignments, the licenses were renewed, most of them multiple times, before Maritime ever came into being.

11. When the Commission consents to the assignment of licenses that were granted long ago, the assignee is equitably and legally entitled to rely on the finality of prior Commission actions and orders renewing, modifying, transferring, and assigning the licenses. See, generally, *Greater Boston Television Corp. v. FCC*, 463 F.2d 268 (D.C. Cir. 1971) (Commission lacks statutory jurisdiction to reopen and modify adjudications once the statutory period for agency

⁶ In anticipation of Auction No. 57, the first auction for AMTS geographic licenses held in 2004, the Commission "undertook a review of its licensing records—including requesting information from licensees, as needed—to determine whether all licensed AMTS facilities were properly constructed and operational. As a result of this audit, the Commission's licensing database was updated to verify the status and the technical information of currently licensed AMTS stations, and to delete listings for unconstructed facilities." 22 FCC Rcd 665, 666-667 (WTB 2007), *citing* Public Notice (DA 04-1513), 19 FCC Rcd at n.54 (rel. May 26, 2004). Some of the incumbent licenses held by Mobex Network Services, LLC were in fact terminated or voluntarily cancelled as a result of the audit. 22 FCC Rcd at 669 ¶ 10; see also, *Mobex Network Services, LLC*, 19 FCC Rcd 24939, 24940-24941 ¶ 10 (WTB 2004).

reconsideration or review has expired). This is particularly true as to issues that have been specifically addressed and ruled on in those prior actions, as discussed above. Maritime had the burden in 2005 of demonstrating that its acquisition of the Mobex licenses was in the public interest. The Commission now has the statutory burden in any effort to rescind, terminate, or modify those licenses.⁷

12. Given this 25 year history, it is not surprising that Maritime would not necessarily possess all the relevant records regarding construction and operations occurring long before it acquired the licenses. Indeed, in some respects the Commission and the Bureau may have more information than Maritime. The Commission is presumably still in possession of the results of the license audit conducted prior to the AMTS auction. Also, many of the construction deadlines occurred prior to conversion of AMTS services to ULS, but the paper filings, including construction notifications, would have been filed with the Commission and are presumably still in its possession. Moreover, insofar as it designated this issue against Maritime, the Commission ostensibly has some information to justify allegation and would certainly have shared that with the Bureau that it has charged with prosecution of the case.⁸

13. To the extent Maritime does have relevant evidence, however, the discovery process is more than adequate to remedy any deficiency in the Bureau's information, which leads to the groundless accusation that Maritime has not been cooperative in discovery. Just because the Bureau alleges something does not make it so, particularly not when Maritime has answered

⁷ If Havens and the Bureau have their way, then even if Maritime were to go through this hearing and obtain a favorable ruling on Issue (g), it would still never be able to relax. The ALJ's initial decision, if affirmed, would be just one more in a long series of final adjudications, that could be subject to challenge at any later date with an attempt to shift the burden to Maritime to defend its licenses. This makes the world down in Alice's rabbit hole look quite normal and sane by comparison!

⁸ Giving the Commission the benefit of doubt, Maritime assumes the issue was designated on the basis of something other than the unsupported and mad ravings of Mr. Havens that have been considered and rejected by the Commission repeatedly and consistently in the past.

numerous interrogatories and produced well over 30,000 pages of documents.⁹ Maritime also produced tax returns, USAC filings, and other financial records giving evidence of capital equipment investments and revenue from operations. These documents provide at best conclusive and at worst probative evidence that the incumbent facilities were in fact constructed and placed in operation in a timely fashion. The Bureau has had these documents since February 2012. Although Maritime itself was not even in existence at the time these stations were constructed, in response to interrogatories it has provided the Bureau with the names of and, where available, contact information, for the persons and companies directly and personally involved. To date the Bureau has not sought to depose any of these individuals, nor has it noticed depositions of Maritime personnel to seek any explanations or clarifications as to the content of the documents.

14. Attached to this brief is a table setting forth the Bates page ranges that are relevant to each of the incumbent stations.¹⁰ This should lay to rest the tired canard that Maritime has not provided any discovery on the construction or operation of the incumbent licenses. This

⁹ This includes the “12 Boxes” documents that were housed at Maritime’s office in Clarksville, Indiana. Although Maritime could have, under the applicable discovery rules, simply made these documents available in Indiana for inspection and copying by the Bureau and other parties, it instead voluntarily boxed the documents and had them shipped to Washington, D.C. for the convenience of the Bureau and other parties. Proving that no good deed goes unpunished, Maritime has been “thanked” for its efforts by nothing but grief and false accusations. Lacking sufficient funds to cover the reproduction cost for the more than 27,000 pages of materials, Maritime sought to have the cost shared by the parties. The Presiding Judge ordered that a disk be produced to the Bureau at no charge, but directed the Skytel parties to pay one-half of Maritime’s reproduction costs or satisfy themselves with inspection and copying of the originals. Order (FCC 12M-8; rel. Feb. 7, 2012). Skytel has still not complied with this order.

¹⁰ This table includes only the stations remaining after the voluntary cancellations and deletions discussed at footnote 5, above, as Issue (g) is now moot as all other incumbent stations. See also *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule*, filed May 31, 2012.

table also shows a date or approximate date of completion of construction, and the specific Bates page supporting the listed date.¹¹

15. Given the particular circumstances of this case, the question of whether operations have permanently discontinued is going to be primarily a legal issue, not a factual question. Maritime has candidly conceded that the vast majority of the incumbent stations have not been used in the provision of AMTS service since December 2007. In some cases, the facilities continue to be operational, in other cases they are not, and as to many sites Maritime does not know. Accordingly, the question is not so much whether there has been discontinuance, but whether the discontinuance is permanent.¹² This is not something that can found in documents, and Maritime has explained it as best it can in interrogatory responses. If the Bureau truly desires to discover more deeply into this, it will presumably notice depositions.

¹¹ In some cases the specified date is the one on which a formal notification was filed with the Commission or the completion date recited in such notification. In prior interrogatory responses, Maritime gave a date only as to those stations for which it had such information and for which current Maritime personnel (as former Mobex employees) had some contemporaneous knowledge. As to all other stations, Maritime stated, on information and belief, that all incumbent stations were timely constructed. This did not mean that Maritime had no basis for the assertion, but only that it lacked "firsthand knowledge." See *Black's Law Dictionary* (6th ed., 1991) at p. 779. In making this assertion, however, Maritime was relying on the prior adjudications of the Commission discussed earlier in this brief, as well as the produced operational documents, even if they did not indicate the precise completion date as reported to the Commission. In compiling the attached table, Maritime has where necessary included (and provided Bates number references) to secondary information, e.g., dates of work order completions by contractors, etc.

¹² There is no specified period of time after which temporary discontinuance of operations is deemed permanent. While certain other services have such a rule, the Maritime services, including AMTS operations, do not. In fact, there is currently pending a rulemaking to establish such a provision. *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, WT Docket No. 10-112, *Notice of Proposed Rulemaking and Order*, 25 FCC Rcd 6996 (2010). The Commission there acknowledges that, because the consequence of permanent discontinuance is automatic termination of the authorization, "it is imperative that our rules provide a clear and consistent definition of permanent discontinuance of operations; *they do not*." 25 FCC Rcd at 7017 (emphasis added). Whatever objective criterion may be established in that rulemaking, it may not be retroactively applied to Maritime in this case.

IV. CONCLUSION

16. The accusations of lack of cooperation by Maritime are unfounded. Maritime is being as cooperative as it can be under extremely difficult circumstances. In dire financial straits, Maritime is fighting to keep employees paid, keep utilities turned on, and keep attorneys working on a number of fronts, including New Jersey litigation brought by Havens, Bankruptcy protests brought by Havens, and the instant matter. Maritime trusts the Presiding Judge will not confuse its lack of resources with an unwillingness to cooperate. Maritime pledges to continue its best efforts to provide the information requested. In the final analysis, however, for the reasons stated in Section II of this brief, the question of whether burdens should be shifted is squarely answered in the negative by the Commission's enabling statute.

Respectfully Submitted,



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Dated: June 7, 2012

Documents re Construction & Operations

Call Sign	Loc	Bates Numbers of Documents re Construction & Operations	Construction Date / Bates No(s).
KAE889	3	G_017244-017324	31-Aug-99 / G_017253*
KAE889	4	G_017390-0187402, G_017403-017510	15-Oct-99 / G_017417*
KAE889	6	G_017511-017544, G_017545-017632, G_017633-017725	20-Aug-99 / G_017715*
KAE889	12	G_017761-017835, G_017836-017977	26-Jan-00 / G_017770
KAE889	13	G_017978-017992, G_017993-018150	20-Aug-99 / G_018039*
KAE889	20	G_018222-018403	15-Aug-99 / G_018374*
KAE889	22	G_018404-018593	20-Sep-99 / G_018522*
KAE889	30	G_018849-018999	20-Sep-99 / G_018962*
KAE889	34	G_019085-019207	20-Sep-99 / G_019195*
KAE889	46	G_019738-019744, G_019745-019770	30-Aug-99 / G_019763*
KAE889	48	G_019771-019803	20-Sep-99 / G_019802*
WHG693	1	G_006704-006851, G_006852-007084	06-May-91 / G_006870
WHG701	1	G_007085-007177, G_007178-007220	07-Nov-86 / G_007194
WHG702	1	G_007221-007559	28-Oct-86 / G_007257
WHG703	1	G_007560-007632, G_007633-008095	28-Oct-86 / G_007664
WHG705	1	G_008096-008104, G_008105-008451	06-Mar-86 / G_008163
WHG706	1	G_002047-002606, G_002607-002617	08-Jul-86 / G_002091 & G_002101
WHG707	1	G_002618-003068	01-Jul-86 / G_002667 & G_002663
WHG708	1	G_003069-003521	16-May-86 / G_003118
WHG709	1	G_003522-003828, G_003829-003837	24-May-86 / G_003573
WHG710	1	G_003838-004182	01-Jul-86 / G_003878
WHG711	1	G_004183-004466, G_004467-004474	04-Jun-86 / G_004218
WHG712	1	G_015063-015075; G_015076-015085, G_015086-015215	18-Apr-86 / G_015097
WHG713	1	G_015216-015318, G_015319-016023	15-Apr-86 / G_015411
WHG714	1	G_016024-016033, G_016034-016496	31-Jan-86 / G_016496
WHG715	1	G_016497-016501, G_016502-016766	27-Mar-86 / G_016548
WHG716	1	G_016967-016975, G_016976-017243	04-Mar-86 / G_017046
WHG717	1	G_004475-004483; G_004484-004750	18-Apr-86 / G_004590
WHG718	1	G_004751-004759, G_004760-004983	04-Nov-85 / G_004893
WHG719	1	G_004984-004993, G_004994-005339	21-Jul-86 / G_005015
WHG720	1	G_005340-005348, G_005349-005735	01-Jul-86 / G_005406
WHG721	1	G_005736-005744, G_005745-006024	05-Jul-85 / G_005814
WHG722	1	G_006025-006033, G_006034-006339	04-Feb-86 / G_006083
WHG723	1	G_006340-006703	19-Sep-85 / G_006408-006432
WHG724	1	G_000001-000009, G_000010-000506	19-Sep-85 / G_000086
WHG725	1	G_000507-000515, G_000516-000974	19-Sep-85 / G_000589
WHG726	1	G_000975-001092, G_001093-001319, G_001320-001540	30-Sep-85 / G_000999
WHG727	1	G_001542-001565, G_001565-001571, G_001572-001578, G_001579-001586	14-Jan-86 / G_001578
WHG728	1	G_001587-001614, G_001615-002046	15-Oct-85 / G_001684-001685
WHG729	1	G_012766-012843, G_12844-13199	28-Oct-85 / G_012852
WHG730	1	G_013200-013295, G_013296-13700	12-Mar-86 / G_013333-013335
WHG731	1	G_013701-013727, G_013728-013966	12-Nov-85 / G_013759
WHG732	1	G_013968-013976, G_013977-014162	12-Nov-85 / G_014001
WHG733	1	G_014163-014178, G_014179-014420	22-Oct-85 / G_014232
WHG734	1	G_014421-014429, G_014430-014691	31-Jul-86 / G_014458
WHG735	1	G_014692-014700, G_014701-015062	31-Jul-86 / G_014734

Documents re Construction & Operations

Call Sign	Loc	Bates Numbers of Documents re Construction & Operations	Construction Date / Bates No(s).
WHG736	1	G_008452-008460, G_008461-008715	10-Aug-86 / G_008463
WHG737	1	G_008716-008721, G_008722-009135	07-Oct-86 / G_008729
WHG738	1	G_009136-009157, G_009158-009460	08-Oct-85 / G_009227
WHG739	1	G_009461-009486, G_009487-009774	23-Jan-86 / G_009538
WHG740	1	G_009775-009783, G_009784-010160	17-Mar-86 / G_009822
WHG741	1	G_010161-010170, G_010171-010266	05-Oct-85 / G_010206
WHG742	1	G_019879-019887, G_019888-020397	30-Jul-86 / G_019955
WHG743	1	G_020398-020406, G_020407-020741	08-Aug-86 / G_020459
WHG744	1	G_020742-020750, G_020751-021092	14-Aug-86 / G_020776
WHG745	1	G_021093-021233, G_021234-021555	04-Apr-86 / G_021317-021318
WHG746	1	G_021556-021564, G_021565-021832	28-Mar-86 / G_021688
WHG747	1	G_021833-021841, G_021842-022307	09-Mar-86 / G_021843
WHG748	1	G_010267-010275, G_010276-010562	25-Feb-86 / G_010328
WHG749	1	G_010563-010573, G_010574-010782	11-Jul-86 / G_010597
WHG750	1	G_010783-010791, G_010792-011268	31-Jul-86 / G_0108245
WHG751	1	G_011269-011388, G_011389-011800	05-Dec-86 / G_011452
WHG752	1	G_011801-011809, G_011810-012330	22-May-86 / G_011864
WHG753	1	G_012331-012338, G_012339-12765	01-Jun-86 / G_012340
WHG754	1	G_026966-027502, G_027503-027513	08-Jul-86 / G_027016
WHV733	1	G_023278-023302	01-Oct-02 / G_023279
WHV733	2	Original construction deadline for WHV733 was 11/9/02. Appl. filed on 3/27/02 to modify Locs 2 & 3 (File No. 0001042087, later replaced by File No. 0002439011) & STA obtained. Notice of completion of construction filed 11/8/02 for original Loc 1 and for Locs 2 & 3 pursuant to the STA and pending modification application (File No. 0001085521*). See filings in ULS.	
WHV733	3		
WHV740	2	G_027514-027584 Completion notice filed 11/8/02, File No. 0001085522 *	8-Nov-02 / G_027616-027617
WHV843	1	G_023303-023313 Completion notice filed 11/8/02, File No. 0001085515 *	8-Nov-02 / G_023304
WHV843	5	G_023314-023340 Completion notice filed 11/8/02, File No. 0001085523 *	8-Nov-02 / G_023315
WHV843	6	G_023341-023383	8-Nov-02 / G_023372
WRV374	8	G_023482-023578	29-Nov-00 / G_023483 & RJK_11*
WRV374	12	G_023579-023614	29-Nov-00 / G_023603-05 & RJK_11*
WRV374	14	G_023615-023672, G_023673-023722; G_023723-023732, G_023733-023750	06-Jun-01 / G_023677 & RJK_11*
WRV374	15	G_023751-023880	06-Jun-01 / G_023815 & RJK_11*
WRV374	16	G_023881-023974	06-Jun-01 / G_023963 & RJK_11*
WRV374	18	G_024044-024075, G_024076-024077, G_024078-024254	06-Jun-01 / G_024047 & RJK_11*
WRV374	19	G_024255-024306, G_024307-024460, G_024461-024487	29-Nov-00 / G_024271 & RJK_11*
WRV374	20	G_024488-024551	29-Nov-00 / G_024519 & RJK_11*
WRV374	22	G_024552-024718, G_024719-024759	29-Nov-00 / G_024605 & RJK_11*
WRV374	23	G_024760-024812	31-Jan-01 / G_024778 & RJK_11*
WRV374	25	G_025420-025445, G_025446-025490	01-Feb-01 / G_025422 & RJK_11*
WRV374	26	G_025491-025609	29-Nov-00 / G_025534 & RJK_11*
WRV374	33	G_026114-026117, G_026118-026127, G_026128-026210	29-Nov-00 / G_026207-10 & RJK_11*
WRV374	34	G_026211-026345	29-Nov-00 / G_026237 & RJK_11*
WRV374	35	G_026346-026566	29-Nov-00 / G_026448 & RJK_11*
WRV374	39	G_026724-026869	29-Nov-00 / G_026746 & RJK_11*
WRV374	40	G_026639-026723	06-Jun-01 / G_026681 & RJK_11*

* indicates document filed with the FCC at the relevant time, e.g., notification of completion of construction

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2012, I caused copies of the foregoing pleading to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

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